REMARKS

So far as the scope of claim 1 is concerned, this has now been amended to limit the definition of compounds having a structure similar to that of galanthamine. The examiner accepts that the application supports the use of galathamine in the claimed invention. It is submitted that the disclosure supports the definition of active compounds now set out. The subject matter now ste out in claim 1 is generic to galanthamine which was elected in response to an election of species requirement. Since the amendment of claim 1 simply replaces one generic definition with another, encompassing the elected species, it is submitted that such an amendment is proper and should be allowed.

The proviso in the claim with respect to excluding patients being treated for Alzheimer's disease has been retained but reworded. Paragraph 7 of the present application states that the applicant's prior publication WO/0143697 discloses the use of modulators of nicotinic receptors in treating Alzheimer's disease. The nicotinic modulation effects of galanthamine are discussed and the modulators specified in the claims in that publication are the same galanthamine and lycoramine analogs as are used in the present application. Noone reading the present disclosure in its entirety would conclude that the applicant contemplated her invention in the present application as being treatment of patients with Alzheimer's disease The present invention clearly relates to other cognitive dysfunction. The applicant should be permitted to claim the invention in this way since, as noted it is clear that this is what she contemplated as being the invention. It is therefore submitted that the claims as presented do not present new matter, but simply a rephrasing of what the applicant originally contemplated.

So far as the enablement issue is concerned, it is submitted that as amended to restrict the definition of the nicotinic potentiator, the claims are fully enabled. The nicotinic properties of these compounds are described in the prior art discussed in the present application. The invention lies in the insight that such properties are of use in treating cognitive dysfunction in subjects having low LDL cholesterol values. No undue experimentation is required to use the compounds specified for this purpose. It is therefore submitted that the requirements of 35 USC 112 first paragraph have

been met.

Turning now to the obviousness issue, it is submitted that the logical conclusion to be derived from the combination of art cited by the examiner is precisely the opposite of the conclusion he draws. The prior ast says "take statins to avoid Alzheimer's disease". The logical conclusion from this is that one will not need to take drugs whose primary current use is to treat Alzheimer's disease. The insight behind the present invention is that in addition to helping to avoid Alzheimer's disease, the statins may be having other less beneficial effects. However, nothing in the cited art points towards using Alzheimer's drugs to treat these effects.

As to the question of reasonable expectation of success, none of the references cited by the examiner even mention the effects of low levels of cholesterol. They are all concerned with hypercholestremia not hypocholestremia. There is nothing in these teachings to lead one skilled in the art to administer drugs known for the treatment of Alzheimer's disease to patients with low LDL values, unless they are in fact suffering from Alzheimer's. As noted above, that was not the applicants present invention and forms no part of her claim.

It is therefore submitted that the present invention meets the requirements of 35 USC 103 also.

Respectfully submitted,

JOHN RICHARDS
C/O LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO. 31,053
TEL. NO. (212) 708-1915